GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department - East Godavari District - Revision Petition along with Interim Order filed by Sri Senapathi China Rajulu, S/o.Nukaraju, Rajavommangi Village, Rajavommangi Mandal, East Godavari District before the Government against the Orders of the Additional Agent to Government, Rampachodavaram, East Godavari District in CMA No. 59 of 2014, dt.24.08.2014 in respect of scheduled land in 115/1, adm. Acs.0.90 of Rajavommangi (V) & (M), East Godavari District – Partly Allowed - Remanded to Special Deputy Collector, Rampachodavaram, East Godavari District for disposal according to law- Orders – Issued.

SOCIAL WELFARE (TW.LTR-2) DEPARTMENT

G.O.MS.No. 50 Dated: 27-04-2016

Read the following:-

1. Revision Petition filed by Sri Senapathi China Rajulu, S/o.Nukaraju, Rajavommangi Village, Rajavommangi Mandal, East Godavari District dated:01.12.2014.
2. From the Additional Agent to Government & Project Officer, ITDA Rampachodavaram, East Godavari District No.T8/CMA/59/2014, dt. 11.2014.
3. Govt.Lr.No.10953/LTR-2/2014, dt.16.10.2015.

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ORDER:-

In the reference first read above, Sri Senapathi China Rajulu, S/o.Nukaraju, Rajavommangi Village, Rajavommangi Mandal, East Godavari District has filed a Revision Petition before the Government against the orders of the Additional Agent to Government, Rampachodavaram in CMA No.59 of 2014, dt.24.08.2014 in respect of scheduled land in Sy.No.115/1, adm.Acs.0.90 of Rajavommangi (V) & (M), East Godavari District.

2. In the reference 3rd read above, the Project Officer, ITDA, Rampachodavaram has furnished parawise remarks along with the connected records.

3. The admitted facts of the revision as are follows:

The above Revision Petitioner was order to be rejected from the petition scheduled land by the Special Deputy Collector, Rampachodavaram in LTRP No. 146/2010 against which the revision petitioner herein filed appeal along with delay condonation petition U/s 5 of Limitation Act. The delay is (11) months (24) days as the order of Special Deputy Collector is appealable within (60) days.

The order of Additional Agent to Government is bald and the reasons mentioned in the delay condonation petitioner are not properly considered.

The revision petitioner also filed a writ petition in W.P.No. 25754/2014 questioning the action of the Tahsildar in seeking to Evict in spite of pendency of appeal with delay condonation petition before Additional Agent to Government which was disposed of by Hon'ble High Court on 04.09.2014 whereby the order of Special Deputy Collector was stayed till such time. The Additional Agent to Government, Rampachodavaram passes appropriate orders.

The learned Additional Agent to Government has rejected the appeal.

The Principles of natural justice require that shall not be condemned unheard and he shall be given reasonable opportunity to defend his case.

(P.T.O)

The Hon'ble High Court and Supreme Court time and again have held that even quasi judicial authorities also shall strictly follow the principles of natural justice.

Appeal is a substantive right which cannot be taken away unless there is deliberate negligence on part of the appellant in presenting the appeal.

4. The petition U/s 5 shall be considered liberally in terms of a judgment rendered by Hon'ble Supreme Court reported in AIR – 1987 Supreme Court Page No.1 and AIR – 2009 Supreme Court page No 1333.

5. The Revision Petitioner submits that the reason for delay according to petitioner is that the petitioner came to know the order of Special Deputy Collector only on 14.07.2014.

6. Though the Deputy Tahsildar was present on the date of hearing of the above case at Vijayawada on 31.10.2015. She could not show any proof of service of the order of Special Deputy Collector in LTR – 146/2010, dt.07.06.2013 on the petitioner either by RP or through messenger.

7. In view of the above facts and circumstances the Government is considered the opinion that the order of learned Additional Agent to Government passed in CMA No.59/2014, dt.24.08.2014 is not sustainable. Hence it is set aside. The delay in filing the appeal is condoned.

8. In the result the revision petition is allowed in part and the above CMA No.59/2014 is remanded to the Additional Agent to Government, Rampachodavaram and he is directed to dispose of the said appeal according to law within (1) month from the date of receipt of the order.

9. The Additional Agent to Government, Rampachodavaram, East Godavari District is requested to take necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.SOLOMON AROKIARAJ,
SPECIAL CHIEF SECRETARY TO GOVERNMENT (TW)

To:
The Collector & Agent to Government, Kakinada, East Godavari District.
The Additional Agent to Government & Project Officer, ITDA
Rampachodavaram, East Godavari District.
The Special Deputy Collector, (Tribal Welfare) Rampachodavaram, East Godavari District.
Copy to:
Sri K.Satyaprasad, Advocate, Rampachodavaram, East Godavari District.
Sri Senapathi China Rajulu, S/o.Nukaraju, Rajavommangi Village, Rajavommangi Mandal, East Godavari District.
The P.S to Hon'ble Minister (SWE & TWE) for information
The P.S to Principal Secretary to Government (TW)
SF/SC.

// FORWARDED:: BY ORDER //

SECTION OFFICER